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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,041	02/12/2002	Marc Husemann	1000 AQ 1523-WCG	7504

27386 7590 06/07/2004

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EXAMINER

ASINOVSKY, OLGA

ART UNIT

PAPER NUMBER

1711

DATE MAILED 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/075,041

Applicant(s)

HUSEMANN ET AL.

Examiner

Oiga Asinovsky

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY (check either a) or b))

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
 2. ☐ The proposed amendment(s) will not be entered because:
 (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ they raise the issue of new matter (see Note below);
 (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
 NOTE: _____
 3. ☐ Applicant's reply has overcome the following rejection(s): _____.
 4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
 6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
 7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.

Claim(s) objected to: none.

Claim(s) rejected: 1-6 and 13.

Claim(s) withdrawn from consideration: 7-12 and 14.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
 9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
 10. ☐ Other: _____

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Attachment to the Advisory Action

There is no amendment to the claims.

1 Claims 7-12 and 14 stand withdrawn from consideration as a non-elected invention.

2 Claims 1-6 and 13 stand rejected under judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2 and 11 of copending Application No. 10/077,658.

3 The rejection of claims 1-6 and 13 under 35 U.S.C. 103 as being unpatentable over JP'11199832 in view of Pakusch et al U.S. Patent 6,552,116 is withdrawn.

4 Claims 1-6 and 13 stand rejected under 35 U.S.C. 103 as being unpatentable over Pakusch et al U.S. Patent 6,552,116 in view of Haak et al U.S. Patent 6,126,865. Applicants' arguments have been considered but are not persuasive. The argument is that Pakusch does not disclose a pressure-sensitive adhesive. Haak does not disclose two-phase domain adhesive. Applicants argue that there is no motivation to combine the teachings of these two references.

The coating composition in Pakusch invention has adhesive property. The multi-stage emulsion copolymer having a block structure and at least two-phase domains upon evaporation of water can be a pressure-sensitive adhesive. The burden is on applicants to present the evidence to show a distinction between the applicants' alkyl (meth)acrylate block copolymer and alkyl (meth)acrylate block copolymer in Pakusch invention. The secondary reference to Haak was set as evidence that acrylic acid ester based adhesive has property as a pressure sensitive adhesive having outgassing

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property because a said pressure sensitive adhesive is "substantially solvent free" and can be used in electronic devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Asinovsky whose telephone number is 571-272-1066. The examiner can normally be reached on 9:00 to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

O.A.
O.A.
June 02, 2004

Olga Asinovsky
Examiner
Art Unit 1711


James J. Seidleck
Supervisory Patent Examiner
Technology Center 1700